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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,660	02/20/2004	Jeffrey D. Zolnowsky	P1635US01	7238
32709	7590	08/24/2004	EXAMINER	
GATEWAY, INC. ATTN: SCOTT CHARLES RICHARDSON 610 GATEWAY DRIVE MAIL DROP Y-04 NORTH SIOUX CITY, SD 57049			PHAN, RAYMOND NGAN	
			ART UNIT	PAPER NUMBER
			2111	

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/783,660	ZOLNOWSKY, JEFFREY D.	
	Examiner	Art Unit	
	Raymond Phan	2111	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Part III DETAILED ACTION

Notice to Applicant(s)

1. This application has been examined. Claims 1-21 are pending.
2. The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2111.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
4. The following is a quotation of the first paragraph of 35 U.S.C. § 112:
The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification is objected to under 35 U.S.C. § 112, first paragraph, as failing to teach or suggest programming the USB hub with actual port value wherein the programming comprising selecting the actual port value by an Input Pin (claims 1, 8, 15); wherein the universal serial bus (USB) hub is programmed over an external bus (claims 6, 13, 20)

The disclosure is non-enabling for claims 1, 6, 8, 13, 15, 20 because the limitations recited in the claims 1, 6, 8, 13, 15, 20 were merely hinted as possible

modifications to the claimed invention and no circuit diagrams or suggestion were provided to make modifications as hinted. Therefore, undue experimentation is required and the disclosure does not enable a person skilled in the art to make and use the claimed invention.

Claim Rejections - 35 USC § 112

5. Claims 1-21 are rejected under 35 U.S.C. § 112, first paragraph, for the reasons set forth in the objection to the specification.

6. Claims 3, 10 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 3, 6, using the phrase, "...programming a register included on the universal serial bus (USB)...", is vague and indefinite. It's is vague whether the register included on the USB or USB hub?

The remaining claims, not specifically mentioned, are rejected for incorporating the defects from the parent claim by dependency.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 3-8, 10-15, 17-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dunn et al. (US No. 6,475,720) in view of Krithivas et al. (US No. 6,067,628).

In regard to claims 1, 8, 15, Dunn et al. disclose method of manufacturing an information handling system including a universal serial bus (USB) hub, comprising: receiving an order for an information handling system (i.e. operating system or applications) including a universal serial bus (USB) hub (see figure 3, col. 9, line 42 through col. 10, line 16). But Dunn et al. do not specifically disclose programming the universal serial bus (USB) hub with an actual port value, wherein the actual port value corresponds to the actual number of ports included on the information handling system, said programming comprising selecting the actual port value by an Input Pin. However Krithivas et al. disclose the configuration of the universal serial bus (USB) hub with a port value, wherein the port value corresponds to the number of ports included on the information handling system, said programming comprising selecting the port value by an Input Pin (see col. 5, line 31 through col. 6, line 44). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have combined the teachings of Krithivas et al. within the system of Dunn et al. because it would support a variety of ports and cost effective.

In regard to claims 3, 10, 17, Dunn et al. disclose wherein said programming further comprises programming a register included on the universal serial bus (USB) (see col. 10, line 46 through col. 11, line 21).

In regard to claims 4, 11, 18, Dunn et al. disclose wherein said programming further comprises programming a software component (see col. 9, lines 13-59).

In regard to claims 5, 12, 19, Dunn et al. disclose wherein the software component includes at least one of an operating system driver, interface, host software, portion of the BIOS, Host Controller Driver (HCD), USB Driver

(USBD), USB Driver Interface (USBDI), and Host Controller Driver Interface (HCDI) (see col. 9, lines 1-15).

In regard to claims 6, 13, 20, Dunn et al. disclose wherein the universal serial bus (USB) hub is programmed over an external bus (see col. 10, lines 1-25).

In regard to claims 7, 14, 21, Dunn et al. disclose wherein the external bus is a universal serial bus (USB) (see col. 10, lines 1-25).

Conclusion

9. All claims are rejected.

10. The prior arts made of record and not relied upon are considered pertinent to applicant's disclosure.

Chew (US No. 6,389,560) discloses an universal serial bus interpreter.

Williams et al. (US No. 6,567,875) disclose an USB data serializer.

Dunn et al. (US No. 6,484,219) disclose a host-specified USB device requests.

Amoni et al. (US No. 6,535,947) disclose the methods, systems and computer program products for logically segmenting devices on a USB.

Shu (US No. 6,058,441) discloses an USB multi-function connecting device.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Raymond Phan, whose telephone number is (703) 306-2756. The examiner can normally be reached on Monday-Friday from 6:30AM- 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Primary, Paul Myers can be reached on (703) 305-9656 or via e-mail addressed to paul.myers@uspto.gov. The fax phone number for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [raymond.phan@uspto.gov].

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All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

TP



PAUL R. MYERS
PRIMARY EXAMINER

Raymond Phan

8/23/04